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BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN
COMMISSIONER - CHAIRMAN
RENZ D. JENNINGS
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

IN THE MATTER OF THE APPLICATION FOR)
APPROVAL OF LELAND C. ALBERTSON, JR.)
AND SHIRLEY D. ALBERTSON DBA THE)
ALBERTSON FAMILY TRUST TO CANCEL THE)
CERTIFICATE OF CONVENIENCE AND)
NECESSITY TO PROVIDE CUSTOMER-OWNED)
PAY TELEPHONE SERVICE IN THE STATE OF)
ARIZONA.)

DOCKET NO. T-02759A-98-0264

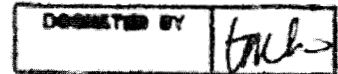
DECISION NO. 61045ORDER

Arizona Corporation Commission

DOCKETED

AUG 06 1998

Open Meeting
August 4 and 5, 1998
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. Leland C. Albertson, Jr. and Shirley D. Albertson dba The Albertson Family Trust ("Applicant") is a sole proprietorship which has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 58747 (August 31, 1994).

2. On May 20, 1998, Applicant filed an application for approval of the cancellation of its Certificate.

3. In Decision No. 55817 (December 10, 1987) the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

4. The Commission in Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

5. In Decision No. 58535 (February 14, 1994) the Commission adopted a Generic Tariff which establishes rates and minimum service standards applicable to COPT service.

6. Pursuant to A.R.S. §40-282, the Commission may issue Decisions regarding COPT

Certificates without a hearing.

On June 15, 1998, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application to cancel Applicant's Certificate without a hearing.

According to Staff, Applicant has retired its pay telephone assets.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The cancellation of Applicant's Certificate is in the public interest.

4. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the application of Leland C. Albertson, Jr. and Shirley D. Albertson dba The Albertson Family Trust for the cancellation of the Certificate to provide customer-owned pay telephone service, shall be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

James H. Swin
COMMISSIONER - CHAIRMAN

[Signature]
COMMISSIONER

[Signature]
COMMISSIONER

IN WITNESS WHEREOF, I, JACK ROSE, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 6th day of August, 1998.

Jack Rose
JACK ROSE
EXECUTIVE SECRETARY

DISSENT
BMB:bbs

1 SERVICE LIST FOR:

LELAND C. ALBERTSON, JR. AND SHIRLEY D.
ALBERTSON DBA THE ALBERTSON FAMILY
TRUST

3 DOCKET NO.:

T-02759A-98-0264

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